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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,341	09/25/2003	Chih-Wei Chen		6600

7590 03/21/2005
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EXAMINER	
GRAHAM, GARY K	
ART UNIT	PAPER NUMBER
1744	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,341

Applicant(s)

CHEN ET AL.

Examiner

Gary K Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 4, defining that the rod is "slidably" hinged does not appear proper. There is no sliding of the rod relative to the wiper arm. Sliding implies that there is relative movement while frictional contact occurs. There is no frictional contact between the rod and the wiper arm. Applicant should set forth that the articulation rod is flexibly hinged to the top of said wiper arm through a V-shaped elastic member.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by German patent 2,305,239.

The German patent discloses the invention as is claimed (fig.1), including a wiper arm (6) for pivoting to a bottom (3) of a windshield (4), a wiper blade (2) pivoted to a top of the wiper arm via an articulation rod (7) attached to a top of said arm by rivet (8). Said rod has a sloped “underside” (10) and a plane “underside” (9). A blade rubber (fig.6) is disposed on a side of the blade (2) directed toward the windshield (4). The articulation rod enables different wiping tracks (16,17).

Response to Arguments

Applicant's arguments filed 27 December 2004 have been fully considered but they are not persuasive. Applicant argues that the German patent discloses a sloped and straight edge on lateral sides and that such is different from his invention. However, the claims do not set forth any particular structure for the sides that distinguish from the German patent. The claim only sets forth that the articulation rod has a sloped and plane underside. Clearly the German articulation rod (7) has sloped (10) and plane (9) undersides as is claimed.

In view of Applicant's request, the Examiner has drafted a new allowable claim 4 to replace claim 1. See page 7.

Allowable Subject Matter

Claims 2 and 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Claim 2 is considered allowable over the prior art in that the articulation rod is flexibly hinged to the wiper arm "through" the V-shaped elastic member. In other words, the V-shaped elastic member does more than just apply a biasing force such as member (40) of the German '239 reference but itself acts to join the articulation rod to the wiper arm, thus providing the flexible hinging.

Claim 4 drafted by the Examiner would be allowable if present by the Applicant in an amendment canceling claim 1 and having claim 2 depend from claim 4.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gary K. Graham". The signature is fluid and cursive, with a large initial "G" and "K".

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
19 March 2005

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4.(new) A slidable windshield wiper for automobiles comprising:

an elongated wiper arm pivoted at a first end to a bottom of a windshield of an automobile and having a second, free end which defines a planar transverse end face,

a wiper blade having a blade rubber on one side thereof directed towards a windshield and having an articulation rod on an opposite side thereof,

said articulation rod being elongated with one end defining spaced underside surfaces angled with respect to one another,

a rivet pivotally joining the one end of the articulation rod to the second free end of the wiper arm, wherein said rivet lies on said end face and enables the underside surfaces to alternatively engage the transverse end face,

whereby said articulation rod enables the wiper blade to move relative to the wiper arm such that it can follow different tracks during wiping.